



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 03/04/2011 (Per: CMH)

A ➡ The 2011 drafting file for LRB-0805

B ➡ The 2011 drafting file for LRB-0808

C ➡ The 2011 drafting file for LRB-1059

D ➡ The 2011 drafting file for LRB-1369

➡ Compile Draft – Appendix B ... segment X

has been tranfered to the drafting file for

2011 LRB-1465*

* One of the compile drafts used in the creation of AB 40 & SB 27 (2011 Budget Bill)

Pt.
65

SECTION 313. 167.10 (6m) (a) of the statutes is amended to read:

167.10 **(6m)** (a) No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) without a fireworks manufacturing license issued by the department of ~~commerce~~ safety and professional services under par. (d).

SECTION 314. 167.10 (6m) (b) of the statutes is amended to read:

167.10 **(6m)** (b) No person may manufacture in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) unless the person complies with the rules of the department of ~~commerce~~ safety and professional services promulgated under par. (e).

SECTION 315. 167.10 (6m) (c) of the statutes is amended to read:

167.10 **(6m)** (c) Any person who manufactures in this state fireworks or a device listed under sub. (1) (e), (f) or (i) to (n) shall provide the department of ~~commerce~~ safety and professional services with a copy of each federal license issued under 18 USC 843 to that person.

SECTION 316. 167.10 (6m) (d) of the statutes is amended to read:

167.10 **(6m)** (d) The department of ~~commerce~~ safety and professional services shall issue a license to manufacture fireworks or devices listed under sub. (1) (e), (f) or (i) to (n) to a person who complies with the rules of the department promulgated under par. (e). The department may not issue a license to a person who does not comply with the rules promulgated under par. (e). The department may revoke a license under this subsection for the refusal to permit an inspection at reasonable times by the department or for a continuing violation of the rules promulgated under par. (e).

SECTION 317. 167.10 (6m) (e) of the statutes is amended to read:

1 167.10 **(6m)** (e) The department of ~~commerce~~ safety and professional services
2 shall promulgate rules to establish safety standards for the manufacture in this state
3 of fireworks and devices listed under sub. (1) (e), (f) or (i) to (n).

4 **SECTION 318.** 167.10 (6m) (f) of the statutes is amended to read:

5 167.10 **(6m)** (f) The department of ~~commerce~~ safety and professional services
6 may inspect at reasonable times the premises on which each person licensed under
7 this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i)
8 to (n).

9 **SECTION 319.** 167.21 (1) (b) of the statutes is amended to read:

10 167.21 **(1)** (b) "Department" means the department of ~~commerce~~ safety and
11 professional services.

12 **SECTION 320.** 167.27 (5) of the statutes is amended to read:

13 167.27 **(5)** Whenever any mine shaft, exploration shaft or test well is
14 abandoned or its use discontinued, the operator or contractor shall promptly fill
15 same to grade or enclose the same with a fence of strong woven wire not less than 46
16 inches wide with one barbwire above or cap same with a reinforced concrete slab at
17 least 6 inches thick or with a native boulder at least 3 times the diameter of the top
18 of the shaft or test well bore. The strands of the woven wire shall not be smaller than
19 No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire;
20 the strands shall not be more than 12 inches apart, and the meshes shall not exceed
21 8 inches square. All wires must be tightly stretched and securely fastened to
22 sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect
23 to repair or rebuild such fence which the person is so required to build and maintain,
24 any person may complain to the department of ~~commerce~~ safety and professional
25 services or to the local governing body, which shall give notice in writing to the person

1 who is required to build and maintain such fence. The department of ~~commerce~~
2 safety and professional services or the local governing body shall then proceed to
3 examine the fence, and if it shall determine that such fence is insufficient, it shall
4 notify the person responsible for its erection and maintenance and direct the person
5 to repair or rebuild the fence within such time as it shall deem reasonable. Any
6 person refusing to comply with such order shall be subject to the penalties provided.

7 **SECTION 321.** 167.27 (8) of the statutes is amended to read:

8 167.27 (8) Any violation of this section coming to the attention of the
9 department of ~~commerce~~ safety and professional services or municipal authorities
10 shall be reported to the attorney general or district attorney for prosecution.

11 **SECTION 322.** 167.31 (4) (a) 4. b. of the statutes is amended to read:

12 167.31 (4) (a) 4. b. He or she holds a certificate of proficiency to carry a firearm
13 issued by the department of ~~regulation and licensing~~ safety and professional
14 services.

15 **SECTION 323.** 167.31 (4) (a) 4. e. of the statutes is amended to read:

16 167.31 (4) (a) 4. e. His or her firearm is in plain view, as defined by rule by the
17 department of ~~regulation and licensing~~ safety and professional services.

18 **SECTION 324.** 167.35 (1) (b) of the statutes is amended to read:

19 167.35 (1) (b) "Department" means the department of ~~commerce~~ safety and
20 professional services unless the context requires otherwise.

21 **SECTION 325.** 167.35 (7) (b) of the statutes is amended to read:

22 167.35 (7) (b) The department of revenue, in the course of conducting any
23 inspection or examination authorized under s. 139.39, may inspect cigarettes to
24 determine if the cigarettes are marked as provided under sub. (4), and the

1 department of revenue shall notify the department of ~~commerce~~ safety and
2 professional services of any unmarked cigarettes.

3 **SECTION 326.** 167.35 (7) (c) of the statutes is amended to read:

4 167.35 (7) (c) Authorized personnel from the department of justice, from the
5 department of ~~commerce~~ safety and professional services, and from the department
6 of revenue, and any sheriff, police officer, or other law enforcement personnel, within
7 their respective jurisdictions, may enter and inspect any premises where cigarettes
8 are made, sold, offered for sale, or stored to determine if the cigarettes comply with
9 this section. An inspection under this paragraph includes examining the books,
10 papers, invoices, and other records of any person who is subject to this section and
11 who is in control, possession, or occupancy of the premises.

12 **SECTION 327.** 168.01 (1) of the statutes is amended to read:

13 168.01 (1) "Department" means the department of ~~commerce~~ safety and
14 professional services.

15 **SECTION 328.** 182.0175 (1m) (e) 2. of the statutes is amended to read:

16 182.0175 (1m) (e) 2. The department of ~~commerce~~ safety and professional
17 services may promulgate a rule that requires retail suppliers, as defined in s. 101.16
18 (1) (d), of propane to inform their customers each year of the obligation of owners of
19 transmission facilities under this section.

20 **SECTION 329.** 196.374 (2) (a) 4. of the statutes is amended to read:

21 196.374 (2) (a) 4. A person contracted to administer the programs under subd.
22 1. shall ensure coordination between the programs directed towards industrial and
23 manufacturing customers under subd. 1. and the program under s. 560.128.
24 Annually, a person contracted to administer the programs under subd. 1. shall

1 submit a report to the commission ~~and to the department of commerce~~ regarding the
2 programs directed towards industrial and manufacturing customers under subd. 1.

3 **SECTION 330.** 196.374 (3) (a) of the statutes is amended to read:

4 196.374 (3) (a) *In general.* The commission shall have oversight of programs
5 under sub. (2). The commission shall maximize coordination of program delivery,
6 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
7 and (7), ordered programs, low-income weatherization programs under s. 16.957,
8 renewable resource programs under s. 196.378, and other energy efficiency or
9 renewable resource programs. The commission shall cooperate with the department
10 of natural resources to ensure coordination of energy efficiency and renewable
11 resource programs with air quality programs and to maximize and document the air
12 quality improvement benefits that can be realized from energy efficiency and
13 renewable resource programs. ~~The commission shall cooperate with the department~~
14 ~~of commerce to ensure coordination of energy efficiency and renewable resource~~
15 ~~programs under sub. (2) (a) 2. e. with the loan program under s. 560.128 (1) (a).~~

16 **SECTION 331.** 196.491 (2) (b) 2. of the statutes is amended to read:

17 196.491 (2) (b) 2. Department of ~~commerce~~ safety and professional services.

18 **SECTION 332.** 200.49 (1) (b) of the ~~statutes~~ is amended to read: ✓

19 200.49 (1) (b) ~~"Minority group member"~~ has the meaning given under s.
20 ~~560.036~~ 490.04 (1) (f).

21 **SECTION 333.** 200.57 (1) (a) of the statutes is amended to read: ✓

22 200.57 (1) (a) ~~"Disabled veteran-owned financial adviser"~~ and "disabled
23 veteran-owned investment firm" mean a financial adviser and investment firm,
24 respectively, certified by the department of ~~commerce~~ safety and professional
25 services under s. ~~560.0335~~ 490.02 (3).

1 **SECTION 334.** 200.57 (1) (b) of the statutes is amended to read:

2 200.57 (1) (b) "Minority financial adviser" and "minority investment firm"
3 mean a financial adviser and investment firm, respectively, certified by the
4 department of ~~commerce~~ safety and professional services under s. ~~560.036~~ 490.04 (2).

5 **SECTION 335.** 214.48 (4) (a) of the statutes is amended to read:

6 214.48 (4) (a) An independent qualified appraiser, designated by the board of
7 directors, who is properly licensed and certified by the department of ~~regulation and~~
8 ~~licensing~~ safety and professional services or by another entity authorized to govern
9 appraisal licensure and certification and who meets the requirements of title XI of
10 the financial institutions reform, recovery and enforcement act of 1989, 12 USC 3331
11 to 3351 and regulations adopted pursuant to those sections.

12 **SECTION 336.** 227.116 (4) (intro.) of the statutes is amended to read:

13 227.116 (4) (intro.) If an agency fails to review and make a determination on
14 a permit application within the time period specified in a rule or law, for each such
15 failure the agency shall prepare a report and submit it to the department of
16 ~~commerce~~ safety and professional services within 5 business days of the last day of
17 the time period specified, setting forth all of the following:

18 **SECTION 337.** 227.116 (5) of the statutes is amended to read:

19 227.116 (5) If an agency fails to review and make a determination on a permit
20 application within the time period specified in a rule or law, upon completion of the
21 review and determination for that application, the agency shall notify the
22 department of ~~commerce~~ safety and professional services.

23 **SECTION 338.** 227.137 (1) of the statutes is amended to read:

1 227.137 (1) In this section, "agency" means the departments of agriculture,
2 trade, and consumer protection; ~~commerce~~ safety and professional services; natural
3 resources; transportation; and workforce development.

4 **SECTION 339.** 227.59 of the statutes is amended to read:

5 **227.59 Certification of certain cases from the circuit court of Dane**
6 **County to other circuits.** Any action or proceeding for the review of any order of
7 an administrative officer, commission, department or other administrative tribunal
8 of the state required by law to be instituted in or taken to the circuit court of Dane
9 County except an action or appeal for the review of any order of the department of
10 workforce development or the department of ~~commerce~~ safety and professional
11 services or findings and orders of the labor and industry review commission which
12 is instituted or taken and is not called for trial or hearing within 6 months after the
13 proceeding or action is instituted, and the trial or hearing of which is not continued
14 by stipulation of the parties or by order of the court for cause shown, shall on the
15 application of either party on 5 days' written notice to the other be certified and
16 transmitted for trial to the circuit court of the county of the residence or principal
17 place of business of the plaintiff or petitioner, where the action or proceeding shall
18 be given preference. Unless written objection is filed within the 5-day period, the
19 order certifying and transmitting the proceeding shall be entered without hearing.
20 The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane County
21 a fee of \$2 for transmitting the record.

****NOTE: Please confirm that this change is consistent with your intent.

22 ~~**SECTION 340.** 229.46 (1) (ag) of the statutes is amended to read:~~

229.46 (1) (ag) ~~"Disabled veteran-owned business"~~ means a business certified by the department of commerce safety and professional services under s. 560.0335 490.02 (3).

SECTION 341. 229.46 (1) (b) of the statutes is amended to read:

229.46 (1) (b) ~~"Minority group member"~~ has the meaning given in s. 560.036 490.04 (1) (f).

SECTION 342. 229.70 (1) (ag) of the statutes is amended to read:

229.70 (1) (ag) ~~"Disabled veteran-owned business"~~ means a business certified by the department of commerce safety and professional services under s. 560.0335 490.02 (3).

SECTION 343. 229.70 (1) (am) of the statutes is amended to read:

229.70 (1) (am) ~~"Minority business"~~ has the meaning given in s. 560.036 490.04 (1) (e).

SECTION 344. 229.70 (1) (b) of the statutes is amended to read:

229.70 (1) (b) ~~"Minority group member"~~ has the meaning given in s. 560.036 490.04 (1) (f).

SECTION 345. 229.8273 (1) (am) of the statutes is amended to read:

229.8273 (1) (am) ~~"Disabled veteran-owned business"~~ means a business certified by the department of commerce safety and professional services under s. 560.0335 490.02 (3).

SECTION 346. 229.8273 (1) (b) of the statutes is amended to read:

229.8273 (1) (b) ~~"Minority business"~~ has the meaning given in s. 560.036 490.04 (1) (e).

SECTION 347. 229.8273 (1) (c) of the statutes is amended to read:

229.8273 (1) (c) "~~Minority group member~~" has the meaning given in s. 560.036

490.04 (1) (f).

SECTION 348. 229.845 (1) (ag) of the statutes is amended to read:

229.845 (1) (ag) "~~Disabled veteran-owned business~~" means a business certified by the department of ~~commerce~~ safety and professional services under s. 560.0335

490.02 (3).

SECTION 349. 229.845 (1) (am) of the statutes is amended to read:

229.845 (1) (am) "~~Minority business~~" has the meaning given in s. 560.036

490.04 (1) (e).

SECTION 350. 230.08 (2) (e) 10. of the statutes is repealed.

SECTION 351. 230.08 (2) (e) 11m. of the statutes is created to read:

230.08 (2) (e) 11m. Safety and professional services — ~~6~~ 7

SECTION 352. 230.08 (2) (v) of the statutes is amended to read:

230.08 (2) (v) Not more than 5 ~~6~~ ¹⁰ bureau directors in the department of ~~regulation and licensing~~ safety and professional services.

SECTION 353. 231.20 of the statutes is amended to read:

231.20 Waiver of construction and bidding requirements. In exercising its powers under s. 101.12, the department of ~~commerce~~ safety and professional services or any city, village, town, or county may, within its discretion for proper cause shown, waive any particular requirements relating to public buildings, structures, grounds, works, and improvements imposed by law upon projects under this chapter; the requirements of s. 101.13 may not be waived, however. If, however, the prospective lessee so requests in writing, the authority shall, through the participating health institution, participating educational institution, participating research institution, or participating child care provider as its agent, call for

1 construction bids in such manner as is determined by the authority with the approval
2 of the lessee.

3 **SECTION 354.** 231.27 (1) of the statutes is amended to read:

4 231.27 (1) In this section, "minority business", "minority financial adviser" and
5 "minority investment firm" mean a business, financial adviser and investment firm,
6 respectively, certified by the department of ~~commerce~~ safety and professional
7 services under s. ~~560.036~~ 490.04 (2).

8 **SECTION 355.** 231.29 (1) of the statutes is amended to read:

9 231.29 (1) In this section, "business," "financial adviser," and "investment firm"
10 mean a business, financial adviser, and investment firm certified by the department
11 of ~~commerce~~ safety and professional services under s. ~~560.0335~~ 490.02 (3).

12 **SECTION 356.** 234.35 (1) of the statutes is amended to read:

13 234.35 (1) In this section, "minority business", "minority financial adviser" and
14 "minority investment firm" mean a business, financial adviser and investment firm,
15 respectively, certified by the department of ~~commerce~~ safety and professional
16 services under s. ~~560.036~~ 490.04 (2).

17 **SECTION 357.** 234.36 (1) of the statutes is amended to read:

18 234.36 (1) In this section, "business," "financial adviser," and "investment firm"
19 mean a business, financial adviser, and investment firm certified by the department
20 of ~~commerce~~ safety and professional services under s. ~~560.0335~~ 490.02 (3).

21 **SECTION 358.** 236.12 (2) (a) of the statutes is amended to read:

22 236.12 (2) (a) Two copies for each of the state agencies required to review the
23 plat to the department which shall examine the plat for compliance with ss. 236.15,
24 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk
25 highway or connecting highway, the department shall transmit 2 copies to the

1 department of transportation so that agency may determine whether it has any
2 objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision
3 is not served by a public sewer and provision for that service has not been made, the
4 department shall transmit 2 copies to the department of ~~commerce~~ safety and
5 professional services so that that agency may determine whether it has any objection
6 to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure
7 the agencies may designate local officials to act as their agents in examining the plats
8 for compliance with the statutes or their rules by filing a written delegation of
9 authority with the approving body.

10 **SECTION 359.** 236.13 (1) (d) of the statutes is amended to read:

11 236.13 (1) (d) The rules of the department of ~~commerce~~ safety and professional
12 services relating to lot size and lot elevation necessary for proper sanitary conditions
13 in a subdivision not served by a public sewer, where provision for public sewer service
14 has not been made;

15 **SECTION 360.** 236.13 (2m) of the statutes is amended to read:

16 236.13 (2m) As a further condition of approval when lands included in the plat
17 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake
18 or other body of navigable water or if land in the proposed plat involves lake or stream
19 shorelands referred to in s. 236.16, the department of natural resources, to prevent
20 pollution of navigable waters, or the department of ~~commerce~~ safety and professional
21 services, to protect the public health and safety, may require assurance of adequate
22 drainage areas for private sewage disposal systems and building setback
23 restrictions, or provisions by the owner for public sewage disposal facilities for
24 waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s.
25 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal

1 facilities may consist of one or more systems as the department of natural resources
2 or the department of ~~commerce~~ safety and professional services determines on the
3 basis of need for prevention of pollution of the waters of the state or protection of
4 public health and safety.

5 **SECTION 361.** 236.335 of the statutes is amended to read:

6 **236.335 Prohibited subdividing; forfeit.** No lot or parcel in a recorded plat
7 may be divided, or used if so divided, for purposes of sale or building development if
8 the resulting lots or parcels do not conform to this chapter, to any applicable
9 ordinance of the approving authority or to the rules of the department of ~~commerce~~
10 safety and professional services under s. 236.13. Any person making or causing such
11 a division to be made shall forfeit not less than \$100 nor more than \$500 to the
12 approving authority, or to the state if there is a violation of this chapter or the rules
13 of the department of ~~commerce~~ safety and professional services.

****NOTE: Please review these treatments of all of these ch. 236 provisions in this draft.

14 **SECTION 362.** 252.12 (2) (a) 9. of the statutes is amended to read:

15 252.12 (2) (a) 9. 'Grant for family resource center.' The department shall award
16 a grant to develop and implement an African-American family resource center in the
17 city of Milwaukee that targets activities toward the prevention and treatment of HIV
18 infection and related infections, including hepatitis C virus infection, of minority
19 group members, as defined in s. ~~560.036~~ 490.04 (1) (f).

20 **SECTION 363.** 252.12 (2) (c) 2. of the statutes is amended to read:

21 252.12 (2) (c) 2. From the appropriation account under s. 20.435 (1) (am), the
22 department shall award \$75,000 in each fiscal year as grants for services to prevent
23 HIV infection and related infections, including hepatitis C virus infection. Criteria

1 for award of the grants shall include the ~~criteria~~ specified under subd. 1. The
2 department shall award 60% of the funding to applying organizations that receive
3 funding under par. (a) 8. and 40% of the funding to applying community-based
4 organizations that are operated by minority group members, as defined in s. 560.036
5 490.04 (1) (f).

6 **SECTION 364.** 252.15 (5g) (c) of the statutes is amended to read:

7 252.15 (5g) (c) A physician, physician assistant, or advanced practice nurse
8 prescriber, based on information provided to the physician, physician assistant, or
9 advanced practice nurse prescriber, determines and certifies in writing that the
10 person has had contact that constitutes a significant exposure. The certification
11 shall accompany the request for HIV testing and disclosure. If the person is a
12 physician, physician assistant, or advanced practice nurse prescriber, he or she may
13 not make this determination or certification. The information that is provided to a
14 physician, physician assistant, or advanced practice nurse prescriber to document
15 the occurrence of the contact that constitutes a significant exposure and the
16 physician's, physician assistant's, or advanced practice nurse prescriber's
17 certification that the person has had contact that constitutes a significant exposure,
18 shall be provided on a report form that is developed by the department of ~~commerce~~
19 safety and professional services under s. 101.02 (19) (a) or on a report form that the
20 department of ~~commerce~~ safety and professional services determines, under s.
21 101.02 (19) (b), is substantially equivalent to the report form that is developed under
22 s. 101.02 (19) (a).

23 **SECTION 365.** 253.15 (1) (c) of the statutes is amended to read:

24 253.15 (1) (c) "Health care provider" means any person who is licensed,
25 registered, permitted, or certified by the department of health services or the

1 department of ~~regulation and licensing~~ safety and professional services to provide
2 health care services in this state.

3 **SECTION 366.** 254.02 (3) (a) of the statutes is amended to read:

4 254.02 (3) (a) The department of agriculture, trade and consumer protection,
5 the department of corrections, the department of ~~commerce~~ safety and professional
6 services, and the department of natural resources shall enter into memoranda of
7 understanding with the department to establish protocols for the department to
8 review proposed rules of those state agencies relating to air and water quality,
9 occupational health and safety, institutional sanitation, toxic substances, indoor air
10 quality, food protection or waste handling and disposal.

11 **SECTION 367.** 254.176 (2) (e) of the statutes is amended to read:

12 254.176 (2) (e) A person who engages in the business of installing or servicing
13 heating, ventilating or air conditioning equipment if the person is registered with the
14 department of ~~commerce~~ safety and professional services and if the person engages
15 in activities that constitute lead hazard reduction, only to the extent that the
16 activities are within the scope of his or her registration.

17 **SECTION 368.** 254.22 (4) of the statutes is amended to read:

18 254.22 (4) Assist the department of ~~commerce~~ safety and professional services
19 with the enforcement of s. 101.123.

20 **SECTION 369.** 254.51 (2) of the statutes is amended to read:

21 254.51 (2) The department shall enter into memoranda of understanding with
22 the department of agriculture, trade and consumer protection, the department of
23 ~~commerce~~ safety and professional services, and the department of natural resources
24 regarding the investigation and control of animal-borne and vector-borne disease.

25 **SECTION 370.** 254.73 (1) of the statutes is amended to read:

1 254.73 (1) Every hotel with sleeping accommodations with more than 12
2 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m.
3 provide a system of security personnel patrol, or of mechanical and electrical devices,
4 or both, adequate, according to standards established by the department of
5 ~~commerce~~ safety and professional services, to warn all guests and employees in time
6 to permit their evacuation in case of fire.

7 **SECTION 371.** 254.74 (1) (am) of the statutes is amended to read:

8 254.74 (1) (am) Promulgate rules, in consultation with the department of
9 ~~commerce~~ safety and professional services, under which the department of health
10 services shall conduct regular inspections of sealed combustion units, as required
11 under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming
12 houses, and bed and breakfast establishments. The rules shall specify conditions
13 under which it may issue orders as specified under s. 101.149 (8) (a). The rules may
14 not require the department of health services to inspect sealed combustion units
15 during the period in which the sealed combustion units are covered by a
16 manufacturer's warranty against defects.

17 **SECTION 372.** 254.78 of the statutes is amended to read:

18 **254.78 Authority of department of ~~commerce~~ safety and professional**
19 **services.** Nothing in this chapter shall affect the authority of the department of
20 ~~commerce~~ safety and professional services relative to places of employment,
21 elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

22 **SECTION 373.** 254.79 of the statutes is amended to read:

23 **254.79 Joint employment.** The department and the department of ~~commerce~~
24 safety and professional services may employ experts, inspectors or other assistants
25 jointly.

1 **SECTION 374.** 281.33 (2) of the statutes is amended to read:

2 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in
3 consultation with the department of ~~commerce~~ safety and professional services,
4 shall promulgate by rule a state storm water management plan. This state plan is
5 applicable to activities contracted for or conducted by any agency, as defined under
6 s. 227.01 (1) but also including the office of district attorney, unless that agency
7 enters into a memorandum of understanding with the department of natural
8 resources in which that agency agrees to regulate activities related to storm water
9 management. The department shall coordinate the activities of agencies, as defined
10 under s. 227.01 (1), in storm water management and make recommendations to
11 these agencies concerning activities related to storm water management.

12 **SECTION 375.** 281.344 (8) (a) of the statutes is amended to read:

13 281.344 (8) (a) *Goals and objectives.* The department shall specify water
14 conservation and efficiency goals and objectives for the waters of the state. The
15 department shall specify goals and objectives for the waters of the Great Lakes basin
16 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives
17 identified by the regional body under Article 304 (1) of the Great Lakes — St.
18 Lawrence River Basin Sustainable Water Resources Agreement. In specifying these
19 goals and objectives, the department shall consult with the department of ~~commerce~~
20 safety and professional services and the public service commission.

21 **SECTION 376.** 281.344 (8) (b) (intro.) of the statutes is amended to read:

22 281.344 (8) (b) *Statewide program.* (intro.) In cooperation with the department
23 of ~~commerce~~ safety and professional services and the public service commission, the
24 department shall develop and implement a statewide water conservation and
25 efficiency program that includes all of the following:

SECTION 377. 281.344 (8) (b) 3. of the statutes is amended to read:

281.344 (8) (b) 3. Water conservation and efficiency measures that the department of ~~eommerce~~ safety and professional services requires or authorizes to be implemented under chs. 101 and 145.

SECTION 378. 281.346 (8) (a) of the statutes is amended to read:

281.346 (8) (a) *Goals and objectives.* The department shall specify water conservation and efficiency goals and objectives for the waters of the state and for the waters of the Great Lakes basin. The department shall specify goals and objectives for the waters of the Great Lakes basin that are consistent with the goals under s. 281.343 (4b) (a) and the objectives identified by the Great Lakes council under s. 281.343 (4b) (a) and (c). In specifying these goals and objectives, the department shall consult with the department of ~~eommerce~~ safety and professional services and the public service commission and consider the water conservation and efficiency goals and objectives developed in any pilot program conducted by the department in cooperation with the regional body.

SECTION 379. 281.346 (8) (b) (intro.) of the statutes is amended to read:

281.346 (8) (b) *Statewide program.* (intro.) In cooperation with the department of ~~eommerce~~ safety and professional services and the public service commission, the department shall develop and implement a statewide water conservation and efficiency program that includes all of the following:

SECTION 380. 281.346 (8) (b) 3. of the statutes is amended to read:

281.346 (8) (b) 3. Water conservation and efficiency measures that the department of ~~eommerce~~ safety and professional services requires or authorizes to be implemented under chs. 101 and 145.

SECTION 381. 281.57 (7) (c) 1. of the statutes is amended to read:

1 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are
2 limited in each fiscal year to receiving total grant awards not to exceed 33% of the
3 sum of the amounts in the schedule for that fiscal year for the appropriation under
4 s. ~~20.143 (3)~~ 20.165 (2) (de) and the amount authorized under sub. (10) for that fiscal
5 year plus the unencumbered balance at the end of the preceding fiscal year for the
6 amount authorized under sub. (10). This subdivision is not applicable to grant
7 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

8 **SECTION 382.** 281.75 (18) of the statutes is amended to read:

9 281.75 (18) SUSPENSION OR REVOCATION OF LICENSES. The department may
10 suspend or revoke a license issued under ch. 280 if the department finds that the
11 licensee falsified information submitted under this section. The department of
12 ~~commerce~~ safety and professional services may suspend or revoke the license of a
13 plumber licensed under ch. 145 if the department of ~~commerce~~ safety and
14 professional services finds that the plumber falsified information submitted under
15 this section.

16 **SECTION 383.** 285.39 (4) of the statutes is amended to read:

17 285.39 (4) REPORT ON NEW REPLENISHMENT MECHANISMS. After expiration of the
18 replenishment implementation period, if the department reports under sub. (2) (b)
19 1. or determines at any other time that the growth accommodation is less than 3,500
20 tons, the department shall, with the advice of the department of ~~commerce~~ safety and
21 professional services, submit a report to the chief clerk of each house of the
22 legislature for distribution to the appropriate standing committees of the legislature
23 under s. 13.172 (3) on how to most effectively and equitably replenish the growth
24 accommodation. The report shall review existing studies and data to evaluate the
25 accuracy of this state's state implementation plan with respect to the effect of

1 emissions from inside and outside the volatile organic compound accommodation
2 area on the ambient air quality within the area.

3 **SECTION 384.** 292.11 (2) (e) of the statutes is amended to read:

4 292.11 (2) (e) The department shall report notifications that it receives under
5 this subsection related to discharges from petroleum storage tanks, as defined in s.
6 101.144 (1) (bm), to the department of ~~commerce~~ safety and professional services.

7 **SECTION 385.** 292.12 (1) (a) of the statutes is amended to read:

8 292.12 (1) (a) "Agency with administrative authority" means the department
9 of agriculture, trade and consumer protection with respect to a site over which it has
10 jurisdiction under s. 94.73 (2), the department of ~~commerce~~ safety and professional
11 services with respect to a site over which it has jurisdiction under s. 101.144 (2) (a),
12 or the department of natural resources with respect to a site over which it has
13 jurisdiction under s. 292.11 (7).

14 **SECTION 386.** 292.33 (6) of the statutes is amended to read:

15 292.33 (6) EXCEPTION. A local governmental unit may not recover costs under
16 this section for remedial activities conducted on a property or portion of a property
17 with respect to a discharge after the department of natural resources, the
18 department of ~~commerce~~ safety and professional services, or the department of
19 agriculture, trade and consumer protection has indicated that no further remedial
20 activities are necessary on the property or portion of the property with respect to the
21 discharge.

22 **SECTION 387.** 293.11 of the statutes is amended to read:

23 **293.11 Mine effect responsibility.** The department shall serve as the central
24 unit of state government to ensure that the air, lands, waters, plants, fish and
25 wildlife affected by prospecting or mining in this state will receive the greatest

1 practicable degree of protection and reclamation. The administration of
2 occupational health and safety laws and rules that apply to mining shall remain
3 exclusively the responsibility of the department of ~~commerce~~ safety and professional
4 services. The powers and duties of the geological and natural history survey under
5 s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural
6 history survey. Nothing in this section prevents the department of ~~commerce~~ safety
7 and professional services and the geological and natural history survey from
8 cooperating with the department in the exercise of their respective powers and
9 duties.

10 **SECTION 388.** 299.13 (1m) (intro.) of the statutes is amended to read:

11 299.13 (1m) PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the
12 duties under this section and ss. 36.25 (30) and 560.19, the department, the
13 department of ~~commerce~~ safety and professional services and the center shall
14 promote all of the following techniques for pollution prevention:

15 **SECTION 389.** 299.83 (8) (f) of the statutes is amended to read:

16 299.83 (8) (f) The department and the department of ~~commerce~~ safety and
17 professional services shall jointly provide information about participation contracts
18 and environmental management systems to potential participants in the program
19 and to other interested persons. The department shall consult with the department
20 of ~~commerce~~ safety and professional services about the administration of the
21 program.

22 **SECTION 390.** 346.503 (1m) (g) of the statutes is amended to read:

23 346.503 (1m) (g) This subsection does not affect the authority under s. 101.13
24 of the department of ~~commerce~~ safety and professional services to require by rule the

1 reservation of parking spaces for use by a motor vehicle used by a physically disabled
2 person.

3 **SECTION 391.** 346.503 (4) of the statutes is amended to read:

4 346.503 (4) The department, after consulting with the department of
5 ~~commerce~~ safety and professional services, shall promulgate rules governing the
6 design, size and installation of the official traffic signs required under sub. (2) or
7 (2m).

8 **SECTION 392.** Chapter 440 (title) of the statutes is amended to read:

9 **CHAPTER 440**

10 **DEPARTMENT OF REGULATION AND**

11 **LICENSING SAFETY AND**

12 **PROFESSIONAL SERVICES**

13 **SECTION 393.** 440.01 (1) (aj) of the statutes is amended to read:

14 440.01 (1) (aj) "Department" means the department of ~~regulation and licensing~~
15 safety and professional services.

16 **SECTION 394.** 440.01 (1) (g) of the statutes is amended to read:

17 440.01 (1) (g) "Secretary" means the secretary of ~~regulation and licensing~~
18 safety and professional services.

19 ~~**SECTION 395.** 440.01 (2) (cs) of the statutes is amended to read:~~

20 ~~440.01 (2) (cs) "Minority group member" has the meaning given in s. 560.036~~
21 ~~490.04 (1) (f).~~

22 **SECTION 396.** 440.03 (3q) of the statutes is amended to read:

23 440.03 (3q) Notwithstanding sub. (3m), the department of ~~regulation and~~
24 licensing safety and professional services shall investigate any report that it receives
25 under s. 146.40 (4r) (em).

1 **SECTION 397.** 440.03 (11m) (c) of the statutes is amended to read:

2 440.03 **(11m)** (c) The department of ~~regulation and licensing~~ safety and
3 professional services may not disclose a social security number obtained under par.
4 (a) to any person except the coordinated licensure information system under s.
5 441.50 (7); the department of children and families for purposes of administering s.
6 49.22; and, for a social security number obtained under par. (a) 1., the department
7 of revenue for the purpose of requesting certifications under s. 73.0301 and
8 administering state taxes.

9 **SECTION 398.** 440.03 (12m) of the statutes is amended to read:

10 440.03 **(12m)** The department of ~~regulation and licensing~~ safety and
11 professional services shall cooperate with the departments of justice, children and
12 families, and health services in developing and maintaining a computer linkup to
13 provide access to information regarding the current status of a credential issued to
14 any person by the department of ~~regulation and licensing~~ safety and professional
15 services, including whether that credential has been restricted in any way.

16 **SECTION 399.** 440.13 (1) (b) of the statutes is amended to read:

17 440.13 **(1)** (b) "Memorandum of understanding" means a memorandum of
18 understanding entered into by the department of ~~regulation and licensing~~ safety and
19 professional services and the department of children and families under s. 49.857.

20 **SECTION 400.** 440.22 (2) of the statutes is amended to read:

21 440.22 **(2)** In any disciplinary proceeding against a holder of a credential in
22 which the department or an examining board, affiliated credentialing board or board
23 in the department orders suspension, limitation or revocation of the credential or
24 reprimands the holder, the department, examining board, affiliated credentialing
25 board or board may, in addition to imposing discipline, assess all or part of the costs

Insert
107-15

1 of the proceeding against the holder. Costs assessed under this subsection are
2 payable to the department. Interest shall accrue on costs assessed under this
3 subsection at a rate of 12% per year beginning on the date that payment of the costs
4 are due as ordered by the department, examining board, affiliated credentialing
5 board or board. Upon the request of the department of ~~regulation and licensing~~
6 safety and professional services, the department of justice may commence an action
7 to recover costs assessed under this subsection and any accrued interest.

8 **SECTION 401.** 440.905 (1) of the statutes is amended to read:

9 440.905 (1) In addition to the other duties and powers of the board under this
10 subchapter, the board shall advise the secretary of ~~regulation and licensing~~ safety
11 and professional services on matters relating to cemeteries, to this chapter, or to the
12 board.

13 **SECTION 402.** 440.92 (2) (d) of the statutes is amended to read:

14 440.92 (2) (d) A preneed seller may not sell any undeveloped space unless the
15 plans for the construction of the mausoleum have been submitted to the department
16 of ~~commerce~~ safety and professional services for approval under s. 157.12 (2) (a) and
17 the preneed sales contract includes the following language in not less than 10-point
18 boldface type: "THE PLANS FOR CONSTRUCTING THE MAUSOLEUM SPACE
19 HAVE BEEN SUBMITTED TO THE DEPARTMENT OF ~~COMMERCE~~ SAFETY
20 AND PROFESSIONAL SERVICES FOR APPROVAL. THE SELLER IS
21 RESPONSIBLE FOR ALL COSTS REQUIRED TO OBTAIN APPROVAL OF THE
22 PLANS BY THE DEPARTMENT OF ~~COMMERCE~~ SAFETY AND
23 PROFESSIONAL SERVICES, COMPLETE THE CONSTRUCTION, AND OBTAIN
24 CERTIFICATION OF THE CONSTRUCTION BY THE DEPARTMENT OF
25 ~~COMMERCE~~ SAFETY AND PROFESSIONAL SERVICES."

1 **SECTION 403.** 440.945 (5) (b) of the statutes is amended to read:

2 440.945 (5) (b) The department of justice or any district attorney, upon
3 informing the department of justice, may commence an action in circuit court in the
4 name of the state to restrain by temporary or permanent injunction any violation of
5 this section. The court may, prior to entry of final judgment, make such orders or
6 judgments as may be necessary to restore to any person any pecuniary loss suffered
7 because of the acts or practices involved in the action, if proof of such loss is submitted
8 to the satisfaction of the court. The department of justice may subpoena persons and
9 require the production of books and other documents, and may request the
10 department of ~~regulation and licensing~~ safety and professional services to exercise
11 its authority under par. (a) to aid in the investigation of alleged violations of this
12 section.

13 **SECTION 404.** 452.13 (2) (b) 1. of the statutes is amended to read:

14 452.13 (2) (b) 1. Register with the department of ~~regulation and licensing~~
15 safety and professional services the name and address of the depository institution
16 and the number of the interest-bearing common trust account.

17 **SECTION 405.** 452.13 (2) (b) 2. of the statutes is amended to read:

18 452.13 (2) (b) 2. Notify the department of ~~regulation and licensing~~ safety and
19 professional services when any of the information required under subd. 1. is
20 changed.

21 **SECTION 406.** 452.13 (2) (b) 3. of the statutes is amended to read:

22 452.13 (2) (b) 3. Furnish the department of ~~regulation and licensing~~ safety and
23 professional services with a letter authorizing the department of ~~regulation and~~
24 licensing safety and professional services and the department of commerce to
25 examine and audit the interest-bearing common trust account whenever the

1 department of ~~regulation and licensing~~ safety and professional services or the
2 department of commerce considers it necessary.

3 **SECTION 407.** 452.13 (2) (bm) of the statutes is amended to read:

4 452.13 (2) (bm) The department of ~~regulation and licensing~~ safety and
5 professional services shall forward to the department of commerce the information
6 and documents furnished under par. (b).

7 **SECTION 408.** 452.13 (5) of the statutes is amended to read:

8 452.13 (5) RULES. In consultation with the department of ~~regulation and~~
9 ~~licensing~~ safety and professional services, the department of commerce shall
10 promulgate rules necessary to administer this section.

11 **SECTION 409.** 462.01 (3) of the statutes is amended to read:

12 462.01 (3) "Department" means the department of ~~regulation and licensing~~
13 safety and professional services.

14 **SECTION 410.** Chapter 490 of the statutes is created to read:

15 **CHAPTER 490**

16 **DISABLED VETERAN-OWNED, WOMAN-OWNED,**
17 **AND MINORITY BUSINESS CERTIFICATIONS;**

18 **DIESEL TRUCK IDLING REDUCTION GRANTS**

19 **SECTION 411.** 490.01 of the statutes is created to read:

20 **490.01 Definitions.** In this chapter:

21 (1) "Department" means the department of safety and professional services.

22 (2) "Secretary" means the secretary of safety and professional services.

23 **SECTION 412.** 560.0335 of the statutes is renumbered 490.02.

24 **SECTION 413.** 560.035 of the statutes is renumbered 490.03.

25 **SECTION 414.** 560.036 of the statutes is renumbered 490.04.

101.45

1 **SECTION 415.** 560.125 of the statutes is renumbered 490.05, and 490.05 (4) (d)
2 of the statutes, as renumbered, is amended to read:

3 490.05 (4) (d) In any fiscal year, the department may not pay to any one
4 applicant more than 20 percent of the amount appropriated under s. ~~20.143~~ (3)
5 20.165 (2) (sm) for the fiscal year.

6 **SECTION 416.** 560.126 (2) (b) 2. of the statutes is amended to read:

7 560.126 (2) (b) 2. Whether the applicant is a small business, a minority
8 business under ~~s. 560.036~~ 490.04 (1) (e), a locally owned business, or a farm.

9 **SECTION 417.** 560.30 (10) of the statutes is amended to read:

10 560.30 (10) "Minority business" has the meaning given in s. ~~560.036~~ 490.04 (1)
11 (e).

12 **SECTION 418.** 560.30 (11) of the statutes is amended to read:

13 560.30 (11) "Minority group member" has the meaning given in s. ~~560.036~~
14 490.04 (1) (f).

15 **SECTION 419.** 560.86 (7) (d) of the statutes is amended to read:

16 560.86 (7) (d) ~~Minority business certification~~ under s. ~~560.036~~ 490.04.

17 **SECTION 420.** 565.01 (4d) of the statutes is amended to read:

18 565.01 (4d) "Minority business" means a business certified by the department
19 of commerce ~~safety and professional services~~ under s. ~~560.036~~ 490.04 (2).

20 **SECTION 421.** 565.01 (4e) of the statutes is amended to read:

21 565.01 (4e) "Minority group member" has the meaning given in s. ~~560.036~~
22 490.04 (1) (f).

23 **SECTION 422.** 601.93 (2) of the statutes is amended to read:

24 601.93 (2) Every insurer doing a fire insurance business in this state shall,
25 before March 1 in each year, file with the commissioner a statement, showing the

1 amount of premiums upon fire insurance due for the preceding calendar year.
2 Return premiums may be deducted in determining the premium on which the fire
3 department dues are computed. Payments of quarterly installments of the total
4 estimated payment for the then current calendar year under this subsection are due
5 on or before April 15, June 15, September 15 and December 15. On March 1 the
6 insurer shall pay any additional amounts due for the preceding calendar year.
7 Overpayments will be credited on the amount due April 15. The commissioner shall,
8 prior to May 1 each year, report to the department of ~~commerce~~ safety and
9 professional services the amount of dues paid under this subsection and to be paid
10 under s. 101.573 (1).

11 **SECTION 423.** 610.70 (1) (a) of the statutes is amended to read:

12 610.70 (1) (a) "Health care provider" means any person licensed, registered,
13 permitted or certified by the department of health services or the department of
14 ~~regulation and licensing~~ safety and professional services to provide health care
15 services, items or supplies in this state.

16 **SECTION 424.** 632.10 (1) of the statutes is amended to read:

17 632.10 (1) "Building and safety standards" means the requirements of chs. 101
18 and 145 and of any rule promulgated by the department of ~~commerce~~ safety and
19 professional services under ch. 101 or 145, and standards of a 1st class city relating
20 to the health and safety of occupants of buildings.

21 **SECTION 425.** 709.03 (form) C. 8. of the statutes is amended to read:

22 **709.03** (form)

1 C. 8. I am aware of underground or aboveground
2 fuel storage tanks on the property. (If "yes",
3 the owner, by law, may have to register the
4 tanks with the department of ~~commerce~~
5 safety and professional services at P.O. Box
6 7970, Madison, Wisconsin, 53707, whether
7 the tanks are in use or not. Regulations of the
8 department of ~~commerce~~ safety and profes-
9 sional services may require the closure or
10 removal of unused tanks.

***NOTE: Should the address be changed?

11 SECTION 426. 893.925 (2) (a) of the statutes is amended to read:

12 893.925 (2) (a) An action to recover damages for mining-related injuries under
13 s. 107.32 shall be brought within 3 years of the date on which the death or injury
14 occurs unless the department of ~~commerce~~ safety and professional services gives
15 written notice within the time specified in this subsection that a claim has been filed
16 with it under sub. (1), in which case an action based on the claim may be brought
17 against the person to whom the notice is given within one year after the final
18 resolution, including any appeal, of the claim or within the time specified in this
19 subsection, whichever is longer.

20 SECTION 427. 895.07 (13) of the statutes is amended to read:

21 895.07 (13) BROCHURE. The department of ~~commerce~~ safety and professional
22 services shall prepare a brochure explaining the process under this section and shall
23 provide that brochure to contractors.

24 SECTION 428. 895.441 (5) of the statutes is amended to read:

1 895.441 (5) SILENCE AGREEMENTS. Any provision in a contract or agreement
2 relating to the settlement of any claim by a patient against a therapist that limits
3 or eliminates the right of the patient to disclose sexual contact by the therapist to a
4 subsequent therapist, the department of ~~regulation and licensing~~ safety and
5 professional services, the department of health services, the injured patients and
6 families compensation fund peer review council, or a district attorney is void.

7 **SECTION 429.** 938.78 (2) (g) of the statutes is amended to read:

8 938.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing
9 information about an individual in its care or legal custody on the written request
10 of the department of ~~regulation and licensing~~ safety and professional services or of
11 any interested examining board or affiliated credentialing board in that department
12 for use in any investigation or proceeding relating to any alleged misconduct by any
13 person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457.
14 Unless authorized by an order of the court, the department of ~~regulation and~~
15 ~~licensing~~ safety and professional services and any examining board or affiliated
16 credentialing board in that department shall keep confidential any information
17 obtained under this paragraph and may not disclose the name of or any other
18 identifying information about the individual who is the subject of the information
19 disclosed, except to the extent that redisclosure of that information is necessary for
20 the conduct of the investigation or proceeding for which that information was
21 obtained.

22 **SECTION 430.** 940.20 (7) (a) 3. of the statutes is amended to read:

23 940.20 (7) (a) 3. "Health care provider" means any person who is licensed,
24 registered, permitted or certified by the department of health services or the

1 department of ~~regulation and licensing~~ safety and professional services to provide
2 health care services in this state.

3 **SECTION 431.** 940.207 (2) (intro.) of the statutes is amended to read:

4 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
5 cause bodily harm to the person or family member of any department of ~~commerce~~
6 safety and professional services or department of workforce development official,
7 employee or agent under all of the following circumstances is guilty of a Class H
8 felony:

9 **SECTION 432.** 940.207 (2) (a) of the statutes is amended to read:

10 940.207 (2) (a) At the time of the act or threat, the actor knows or should have
11 known that the victim is a department of ~~commerce~~ safety and professional services
12 or department of workforce development official, employee or agent or a member of
13 his or her family.

14 **SECTION 433.** 940.22 (1) (a) of the statutes is amended to read:

15 940.22 (1) (a) "Department" means the department of ~~regulation and licensing~~
16 safety and professional services.

17 **SECTION 434.** 961.36 (1m) of the statutes is amended to read:

18 961.36 (1m) At the request of the department of ~~regulation and licensing~~ safety
19 and professional services or a board, examining board or affiliated credentialing
20 board in the department of ~~regulation and licensing~~ safety and professional services,
21 the controlled substances board shall provide advice and assistance in matters
22 related to the controlled substances law to the department or to the board, examining
23 board or affiliated credentialing board in the department making the request for
24 advice or assistance.

25 **SECTION 435.** 978.05 (6) (b) of the statutes is amended to read:

1 978.05 (6) (b) Enforce the provisions of all general orders of the department of
2 ~~commerce~~ safety and professional services relating to the sale, transportation and
3 storage of explosives.

4 **SECTION 9110. Nonstatutory provisions; Commerce.**

5 (1) RULES AND ORDERS REGARDING CERTAIN CERTIFICATIONS. All rules promulgated
6 by the department of commerce that relate to disabled veteran-owned business
7 certifications under section 560.0335, 2009 stats., woman-owned business
8 certifications under section 560.035, 2009 stats., or minority business certifications
9 under section 560.036, 2009 stats., and that are in effect on the effective date of this
10 subsection, remain in effect until their specified expiration dates or until amended
11 or repealed by the department of safety and professional services. All orders issued
12 by the department of commerce relating to such certifications that are in effect on
13 the effective date of this subsection remain in effect until their specified expiration
14 dates or until modified or rescinded by the department of safety and professional
15 services.

16 ~~Auto #~~ (2) RULES AND ORDERS REGARDING DIESEL TRUCK IDLING REDUCTION GRANTS. All
17 rules promulgated by the department of commerce that relate to diesel truck idling
18 reduction grants under section 560.125, 2009 stats., that are in effect on the effective
19 date of this subsection, remain in effect until their specified expiration dates or until
20 amended or repealed by the department of safety and professional services. All
21 orders issued by the department of commerce relating to diesel truck idling reduction
22 grants under section 560.125, 2009 stats., that are in effect on the effective date of
23 this subsection remain in effect until their specified expiration dates or until
24 modified or rescinded by the department of safety and professional services.

25 (3) TRANSFER OF THE DIVISION⁵ OF SAFETY AND BUILDINGS

and environmental
and regulatory
services (CS)

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of commerce primarily related to the functions of the
3 division of safety and buildings and the division of environmental and regulatory
4 services, as determined by the secretary of administration, shall become the assets
5 and liabilities of the department of safety and professional services.

6 (b) *Employee transfers.* All ^{positions and all} incumbent employees holding ^{those} positions in the
7 department of commerce performing duties primarily related to the functions of the
8 division of safety and buildings and the division of environmental and regulatory
9 services, as determined by the secretary of administration, are transferred on the
10 effective date of this paragraph to the department of safety and professional services.

11 (c) *Employee status.* Employees transferred under paragraph (b) have all the
12 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
13 statutes in the department of safety and professional services that they enjoyed in
14 the department of commerce immediately before the transfer. Notwithstanding
15 section 230.28 (4) of the statutes, no employee so transferred who has attained
16 permanent status in class is required to serve a probationary period.

17 (d) *Tangible personal property.* On the effective date of this paragraph, all
18 tangible personal property, including records, of the department of commerce that
19 is primarily related to the functions of the division of safety and buildings and the
20 division of environmental and regulatory services, as determined by the secretary of
21 administration, is transferred to the department of safety and professional services.

22 (e) *Contracts.* All contracts entered into by the department of commerce in
23 effect on the effective date of this paragraph that are primarily related to the
24 functions of the division of safety and buildings and the division of environmental
25 and regulatory services, as determined by the secretary of administration, remain

1 in effect and are transferred to the department of safety and professional services.
2 The department of safety and professional services shall carry out any obligations
3 under such a contract until the contract is modified or rescinded by the department
4 of safety and professional services to the extent allowed under the contract.

5 (f) *Rules and orders.* All rules promulgated by the department of commerce
6 that are in effect on the effective date of this paragraph and that are primarily related
7 to the functions of the division of safety and buildings and the division of
8 environmental and regulatory services, as determined by the secretary of
9 administration, remain in effect until their specified expiration dates or until
10 amended or repealed by the department of safety and professional services. All
11 orders issued by the department of commerce that are in effect on the effective date
12 of this paragraph and that are primarily related to the functions of the division of
13 safety and buildings and the division of environmental and regulatory services, as
14 determined by the secretary of administration, remain in effect until their specified
15 expiration dates or until modified or rescinded by the department of safety and
16 professional services.

17 (g) *Pending matters.* Any matter pending with the department of commerce
18 on the effective date of this paragraph that is primarily related to the functions of the
19 division of safety and buildings and the division of environmental and regulatory
20 services, as determined by the secretary of administration, is transferred to the
21 department of safety and professional services and all materials submitted to or
22 actions taken by the department of commerce with respect to the pending matters
23 are considered as having been submitted to or taken by the department of safety and
24 professional services.

(4) REALLOCATION OF FUNDING WITHIN THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES. (a) In this subsection:

1. “Schedule” means the schedule under section 20.005 of the statutes, as affected by this act.

2. "Secretary" means the secretary of administration.

(b) Before July 1, 2013, the secretary may transfer moneys from any appropriation under section 20.165 of the statutes, as affected by this act, to any other appropriation under section 20.165 of the statutes, as affected by this act, and may increase or decrease the amounts shown in the schedule for any appropriation under section 20.165 of the statutes, as affected by this act, if necessary to reallocate funding in accordance with the transfer of functions or personnel from the department of commerce to the department of safety and professional services, except that the secretary may not adjust the amounts shown in the schedule in a manner so that the total amounts appropriated under the adjusted appropriations exceed the total amounts shown in the schedule for those appropriations on the effective date of this act. The secretary shall submit a report to the joint committee on finance before July 1, 2013, that identifies the actions taken by the secretary under this subsection.

(END)

2011-2012 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

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INSERT ANALYSIS

VETERANS AND MILITARY AFFAIRS

Under current law, ~~the department of veterans affairs (DVA)~~ is the state approval agency for the education and training of veterans and other eligible persons. DVA is required to approve and supervise schools and courses of instruction for veterans and other eligible persons who receive certain federal education benefits.

(DSPS) This bill designates DRL, renamed the Department of Safety and Professional Services, under this bill, as the state approval agency for the education and training of veterans and other eligible persons and transfers the relevant functions to DSPS.

INSERT 30-9

1 **SECTION 1.** 20.143 (4) (ka) of the statutes is renumbered 20.165 (1) (ka).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 2.** 20.143 (4) (kb) of the statutes is renumbered 20.165 (1) (kb).

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 30-17

3 **SECTION 3.** 20.143 (4) (kd) of the statutes is renumbered 20.165 (1) (kd) and
4 amended to read:

5 20.165 (1) (kd) *Administrative services.* The amounts in the schedule for
6 administrative and support services for programs administered by the department.

7 All moneys received by the department from the department, except for moneys
8 directed to be deposited under pars. ~~(k)~~, (ka) and ~~(kb)~~, and ~~(kc)~~ and subs. (1) ~~(k)~~, ~~(ka)~~

9 and ~~(kb)~~ and ~~(3)~~ sub. (2) (ks), as payment for administrative and support services for
10 programs administered by the department shall be credited to this appropriation.

987, 988, 990 to 993, 1080b, 1085b, 1086b, 9116 (5); 1995 a. 116, 119, 216, 227; 1997 a. 9, 27, 35, 215, 237, 252, 310; 1999 a. 9, 84, 106, 185, 186; 2001 a. 16, 109; 2003 a. 33 ss. 292c to 297m, 593 to 600, 602 to 604; 2003 a. 255, 256; 2005 a. 25 ss. 150m to 156t, 331; 2005 a. 45, 358; 2007 a. 20, 125, 225; 2009 a. 2, 16, 28, 239, 265, 268, 270, 276, 332; s. 13.92 (2) (i).

45. leave in → ~~****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.~~

1 **SECTION 4.** 20.143 (4) (ke) of the statutes is renumbered 20.165 (1) (ke).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 5.** 20.143 (4) (m) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 6.** 20.143 (4) (n) of the statutes is renumbered 20.165 (1) (n).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 7.** 20.143 (4) (o) of the statutes is renumbered 20.165 (1) (o).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

INSERT 31-5

5 **SECTION 8.** 20.165 (1) (title) of the statutes is amended to read:

6 **20.165 (1) (title) PROFESSIONAL REGULATION AND ADMINISTRATIVE SERVICES.**

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111.

INSERT 42-6

7 **SECTION 9.** 45.03 (11) (title) of the statutes is repealed.

8 **SECTION 10.** 45.03 (11) (a) of the statutes is renumbered 440.03 (18) (am).

9 **SECTION 11.** 45.03 (11) (b) of the statutes is renumbered 440.03 (18) (b).

****NOTE: I have assumed that you want s. 45.03 (11) (b) renumbered as well as s. 45.03 (11) (a). Please let me know if my assumption is not correct.

10 **SECTION 12.** 45.20 (1) (d) of the statutes is amended to read:

11 45.20 (1) (d) "Tuition," when referring to the University of Wisconsin System,
12 means academic fees and segregated fees; when referring to the technical colleges,

means "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and
when referring to a high school, a school that is approved under s. ~~45.03 (11)~~ 440.03
(18), or a proprietary school that is approved under s. 38.50, means the charge for the
courses for which a person is enrolled.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; s. 13.92 (2) (i). ✓

SECTION 13. 45.20 (2) (a) 1. of the statutes is amended to read:

45.20 (2) (a) 1. The department shall administer a tuition reimbursement
program for eligible veterans enrolling as undergraduates in any institution of
higher education in this state, enrolling in a school that is approved under s. ~~45.03~~
(11) 440.03 (18), enrolling in a proprietary school that is approved under s. 38.50,
enrolling in a public or private high school, enrolling in a tribal school, as defined in
s. ~~115.011~~ (15m) [s. ~~115.001~~ (15m)], in any grade from 9 to 12, or receiving a waiver
of nonresident tuition under s. 39.47.

NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending. NOTE:

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; s. 13.92 (2) (i). ✓

SECTION 14. 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

45.20 (2) (a) 2. (intro.) A veteran who is a resident of this state and otherwise
qualified to receive benefits under this subsection may receive the benefits under
this subsection upon the completion of any correspondence courses or part-time
classroom study from an institution of higher education located outside this state,
from a school that is approved under s. ~~45.03 (11)~~ 440.03 (18), or from a proprietary
school that is approved under s. 38.50, if any of the following applies:

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; s. 13.92 (2) (i). ✓

SECTION 15. 45.20 (2) (c) 1. of the statutes is amended to read:

45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b)
1. may be reimbursed upon satisfactory completion of an undergraduate semester in
any institution of higher education in this state, or upon satisfactory completion of

1 a course at any school that is approved under s. ~~45.03 (11)~~ [✓] 440.03 (18), any
2 proprietary school that is approved under s. 38.50, any public or private high school,
3 any tribal school, as defined in s. 115.001 (15m), that operates any grade from 9 to
4 12, or any institution from which the veteran receives a waiver of nonresident tuition
5 under s. 39.47. Except as provided in par. (e), the amount of reimbursement may not
6 exceed the total cost of the veteran's tuition minus any grants or scholarships that
7 the veteran receives specifically for the payment of the tuition, or, if the tuition is for
8 an undergraduate semester in any institution of higher education, the standard cost
9 of tuition for a state resident for an equivalent undergraduate semester at the
10 University of Wisconsin-Madison, whichever is less.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; s. 13.92 (2) (i).

11 **SECTION 16.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

12 45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for
13 reimbursement under this subsection at any institution of higher education in this
14 state, at a school that is approved under s. ~~45.03 (11)~~ [✓] 440.03 (18), at a proprietary
15 school that is approved under s. 38.50, at a public or private high school, at a tribal
16 school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an
17 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47
18 is limited to the following:

NOTE: NOTE: Subd. 1 (intro.) is shown as affected by 2 acts of the 2009 Wisconsin legislature and as merged by the legislative reference bureau under s. 13.92 (2) (i). NOTE:

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; s. 13.92 (2) (i).

INSERT 107-15

19 **SECTION 17.** 440.03 (18) (a) of the statutes is created to read:

inserted
out of
order

1 440.03 (18) (a) In this subsection, "veteran" has the meaning given in s. 45.01
2 (12).

INSERT 94-15

3 SECTION 18. 230.339 of the statutes is created to read:

4 **230.339 Rights of certain employees of the department of safety and**
5 **professional services.** (1) Notwithstanding s. 230.08 (2) (e) 11m. and (v), all of the
6 employees holding the following positions in the classified service at the department
7 of commerce on the day before the effective date of this subsection....[LRB inserts
8 date], who have achieved permanent status in class on or before that date shall, upon
9 employment by the department of safety and professional service^s retain, while
10 serving in the unclassified service at the department of safety and professional
11 services, those protections afforded employees in the classified service under ss.
12 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff,
13 or reduction in base pay:

14 (a) Administrator of the division of administrative services.

15 (b) Director of the bureau of petroleum environmental cleanup fund
16 administration in the division of environmental and regulatory services.

17 (c) Director of the bureau of petroleum products and tanks in the division of
18 environmental and regulatory services.

19 (d) Director of the bureau of integrated services in the division of safety and
20 buildings.

21 (e) Director of the bureau of program development in the division of safety and
22 buildings.

(2) Each employee specified under sub. (1) shall also have reinstatement privileges to the classified service as provided under s. 230.33 (1).

INSERT 119-18

SECTION 9153. Nonstatutory provisions; Veterans Affairs.

(1) STATE APPROVAL AGENCY DESIGNATION.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of veterans affairs primarily related to functions as the state approval agency for the education of veterans and other eligible persons, as determined by the secretary of administration, shall become the assets and liabilities of the department of safety and professional services.

(b) *Employee transfers.* All positions, and the incumbent employees holding those positions, in the department of veterans affairs performing duties primarily related to functions as the state approval agency for the education of veterans and other eligible persons, as determined by the secretary of administration, are transferred on the effective date of this paragraph to the department of safety and professional services.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of safety and professional services that they enjoyed in the department of veterans affairs immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

1 (d) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of veterans affairs
3 that is primarily related to functions as the state approval agency for the education
4 of veterans and other eligible persons, as determined by the secretary of
5 administration, is transferred to the department of safety and professional services.

6 (e) *Contracts.* All contracts entered into by the department of veterans affairs
7 in effect on the effective date of this paragraph that are primarily related to functions
8 as the state approval agency for the education of veterans and other eligible persons,
9 as determined by the secretary of administration, remain in effect and are
10 transferred to the department of safety and professional services. The department
11 of safety and professional services shall carry out any obligations under such a
12 contract until the contract is modified or rescinded by the department of safety and
13 professional services to the extent allowed under the contract.

14 (f) *Rules and orders.* All rules promulgated by the department of veterans
15 affairs that are in effect on the effective date of this paragraph and that are primarily
16 related to functions as the state approval agency for the education of veterans and
17 other eligible persons, as determined by the secretary of administration, remain in
18 effect until their specified expiration dates or until amended or repealed by the
19 department of safety and professional services. All orders issued by the department
20 of veterans affairs that are in effect on the effective date of this paragraph and that
21 are primarily related to functions as the state approval agency for the education of
22 veterans and other eligible persons, as determined by the secretary of
23 administration, remain in effect until their specified expiration dates or until
24 modified or rescinded by the department of safety and professional services.

1 (g) *Pending matters.* Any matter pending with the department of veterans
2 affairs on the effective date of this paragraph that is primarily related to functions
3 as the state approval agency for the education of veterans and other eligible persons,
4 as determined by the secretary of administration, is transferred to the department
5 of safety and professional services and all materials submitted to or actions taken by
6 the department of veterans affairs with respect to the pending matters are
7 considered as having been submitted to or taken by the department of safety and
8 professional services.

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

MRB LRB

2/8/2011.

T/C w/ Cindy Downbrowski.

- Include employee transfer with Business Certification programs.

- Cover all the bases re: contracts, assets & liabilities, etc. for business certifications & Diesel truck idling reduction grants.

Gallagher, Michael

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]

Sent: Friday, February 04, 2011 5:00 PM

To: Gallagher, Michael

Subject: Diesel Idling

Hi Mike --

There is a position with this program and it should be transferred with the incumbent.

Please let me know if you need anything else,

Cindy

Cynthia Dombrowski

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cynthia.dombrowski@wisconsin.gov

2/7/2011

Gallagher, Michael

From: Sundberg, Christopher
Sent: Tuesday, February 08, 2011 9:37 AM
To: Gallagher, Michael
Subject: FW: women-owned bus cert.

I can't remember what the last instruction was--is this a change?

-----Original Message-----

From: Hoechst, Jonathan S - DOA [mailto:Jonathan.Hoechst@wisconsin.gov]
Sent: Tuesday, February 08, 2011 8:24 AM
To: Sundberg, Christopher
Subject: women-owned bus cert.

Chris,

We got a final decision on the woman-owned, disabled-veteran owned, and minority owned business certification programs. They are moving to DSPS, not WEDC. Please remove these from the draft, I will also let the DSPS analyst know of the change.

Thanks,
Jonathan

Kite, Robin

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Thursday, February 10, 2011 5:36 PM
To: Kite, Robin
Subject: RE: LRB-0808

These are agency support positions like HR, payroll, procurement. I'm confirming but I believe the positions are all in the Commerce Division of Administrative Services. DSPS is not getting all of the positions in that division -- just a portion. Is it prudent to say the DOA Secretary can identify positions from this Division and transfer them, with the incumbent, with rights, etc to DSPS?

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From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Thursday, February 10, 2011 5:00 PM
To: Dombrowski, Cynthia A - DOA
Subject: RE: LRB-0808

With regard to the administrative positions, I will need more information in order to describe them in the draft. Otherwise, it won't be clear which positions we are referring to. Is it possible to describe the functions of these positions in more detail? Or perhaps we can refer to the division from which these positions are being transferred?

Thanks.
Robin

From: Dombrowski, Cynthia A - DOA [mailto:cynthia.dombrowski@wisconsin.gov]
Sent: Thursday, February 10, 2011 4:44 PM
To: Kite, Robin
Subject: RE: LRB-0808

Hi Robin -

We just got word that a new alpha appropriation should be renumbered to 165 from 143. (1)(qa): Brownfields redevelopment activities; administration (SEG) should be renumbered to DSPS program 2.

Also, there are administrative positions that are being transferred that are not in Division of Safety and Buildings or Div of Environmental and Regulatory Services. We would like those positions to have the same transfer rights as all other positions being transferred.

Regarding the notes, on p 36, we agree with you change. I understand your timeline and regarding the other two, if there is further instruction, I will let you know.

Cindy

Cynthia Dombrowski
Executive Policy and Budget Analyst
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From: Kite, Robin [mailto:Robin.Kite@legis.wisconsin.gov]
Sent: Thursday, February 10, 2011 3:51 PM
To: Dombrowski, Cynthia A - DOA
Subject: LRB-0808

Cindy:

Given our very tight schedule and our need to reconcile the provisions of LRB-0808 with 3 other drafts, I am going to proceed to finalize the redraft of LRB-0808 today and remove the Notes on pages 36, 86, and 89 of the /P3 version. Since we haven't received any more instructions on LRB-0808, I assume that the treatment of the provisions referred to in the Notes do not require any additional changes. We can make minor revisions once the budget bill is compiled next week, if necessary.

Thanks.

Robin

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